

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

HERMAN RETT CROWDER, IV

PLAINTIFF

V.

CIVIL ACTION NO. 3:08cv521-DPJ-JCS

SANDRA PITTMAN and ALFA INSURANCE CORP.

DEFENDANTS

ORDER

On August 12, 2009, the Court entered a Show Cause Order, instructing Defendant Alfa Insurance Corporation (“Alfa”) to show cause why this case should not be remanded to state court for lack of jurisdiction. Alfa responded and asked the Court to *sua sponte* sever Plaintiff’s claims against Sandra Pittman and Alfa, remand the claims against Pittman, and retain jurisdiction over the claims against Alfa. *See* Miss. R. Civ. P. 21 (allowing the court to sever the claims against a misjoined party on its own initiative); Fed. R. Civ. P. 21 (same); *see also Smith v. Nationwide Mutual Ins. Co.*, 286 F. Supp. 2d 777, 782 (S.D. Miss. 2003) (granting the removing defendant’s motion to sever the misjoined resident defendant and remanding the claims against the resident defendant to state court). Plaintiff filed no response to Alfa’s request and apparently consent to severance and remand. The Court finds such action is proper.

IT IS HEREBY ORDERED that Plaintiff’s claims against Defendant Sandra Pittman be severed and remanded to the Circuit Court of Hinds County. The Court will retain jurisdiction over Plaintiff’s claims against Alfa.

SO ORDERED AND ADJUDGED this the 28th day of October, 2009.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE